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MAY 14 2002

TECH CENTER 1600/2900

PATENT

Attorney Docket No. A-70036/RMS/DLR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kinsella, Todd *et al.*

Serial No.: 09/712,821

Filed: 11/13/2000

For: *Methods and Compositions for
Screening Using Diphtheria Toxin
Constructs*

) Examiner: Tizio, Steven

) Group Art Unit: 1627

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence, including listed
) enclosures, is being deposited with the United States Postal
) Service as First Class Mail in an envelope addressed to:
) Assistant Commissioner for Patents, BOX NON-FEE
) AMENDMENT, Washington, DC 20231 on:

) Dated: April 30, 2002

) Signed: [Signature]

11/13
A. Harmon
7/23/02

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
BOX NON-FEE AMENDMENT
Washington, DC 20231

RECEIVED

JUN 25 2002

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Sir:

This is submitted further to the restriction election mailed 26 March, 2002 in the
above mentioned case. Applicants request that the amendment be entered prior to
examination of the claims.

It is believed that no fees are due at this time. However, should the Commissioner
determine otherwise, he is authorized to charge any additional fees or other relief which may

be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No.

07/26/2002 RHARMON 00000012 061300 09712821

01 FC:103 336.00 CH (RMS/DLR).
02 FC:102 336.00 CH

IN THE CLAIMS:

Please cancel claims 1-6 without prejudice or disclaimer and enter the following
amended claim set into the above identified application: